

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

ASSOCIATION OF NEW JERSEY RIFLE & PISTOL CLUBS, INC., *et al.*,
Plaintiffs,
v.
PHILIP D. MURPHY, in his official capacity as Governor of New Jersey, *et al.*,
Defendants.

) HON. SUSAN D. WIGENTON,
) U.S.D.J.
)
) HON. LEDA D. WETTRE,
) U.S.M.J.
)
)
) CIVIL ACTION NO. 20-cv-3269
)
) **CIVIL ACTION**
)
) **(ELECTRONICALLY FILED)**

DECLARATION OF DANIEL L. SCHMUTTER IN SUPPORT OF PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION

1. I, Daniel L. Schmutter, am an attorney at the law firm of Hartman & Winnicki, P.C., attorneys of record for Plaintiffs in the above-titled action. I am licensed to practice law before the United States District Court for the District of New Jersey. I have personal knowledge of the facts set forth herein and, if called and sworn as a witness, could and would testify competently thereto.

2. Attached as Exhibit 1 is a true and correct copy of the transcript of Governor Phil Murphy's March 25, 2020 Coronavirus Briefing, <https://bit.ly/2UlDcyf>.

3. Attached as Exhibit 2 is a true and correct copy of Executive Order No. 107, signed by Defendant Governor Murphy on March 21, 2020.

4. Attached as Exhibit 3 is a true and correct copy of Administrative Order No. 2020-5, Essential Retail Businesses (Mar. 24, 2020).

5. Attached as Exhibit 4 is a true and correct copy of the New Jersey State Police National Instate Criminal Background Check System webpage, <https://www.njportal.com/NJSP/NicsVerification>, accessed on March 25, 2020.

6. Attached as Exhibit 5 is a true and correct copy of the article Alexander Mallin & Luke Barr, *Police implement sweeping policy changes to prepare for coronavirus spread*, ABC NEWS, Mar. 18, 2020, <https://abcn.ws/3bl7sij>.

7. Attached as Exhibit 6 is a true and correct copy of the article Anthony Bellano, *Some NJ Cops Positive For Coronavirus, Others Quarantined*, PATCH, Mar. 21, 2020, <https://bit.ly/2xI0ifd>.

8. Attached as Exhibit 7 is a true and correct copy of the article Joe Malinconico, *Paterson police officer and fire captain test positive for coronavirus*, PATERSON PRESS, Mar. 24, 2020, <https://njersy.co/2UBONb5>.

9. Attached as Exhibit 8 is a true and correct copy of the article Yesenia Amaro, *3 arrested on suspicion of looting Fresno County stores amid coronavirus outbreak*, THE FRESNO BEE, Mar. 23, 2020, <https://bit.ly/3bmZoNX>.

10. Attached as Exhibit 9 is a true and correct copy of the article David Hernandez, *Man, woman arrested on suspicion of looting in Chula Vista, SAN DIEGO UNION-TRIBUNE*, Mar. 22, 2020, <https://bit.ly/3btPb2x>.

11. Attached as Exhibit 10 is a true and correct copy of the article Lucas Manfredi, *Jails release thousands of inmates to curb coronavirus spread, FOX BUSINESS*, Mar. 22, 2020, <https://fxn.ws/2UtPRxG>.

12. Attached as Exhibit 11 is a true and correct copy of the article Tracey Tully, *1,000 Inmates Will Be Released From N.J. Jails to Curb Coronavirus Risk, NY TIMES*, Mar. 23, 2020, <https://nyti.ms/3akEZJd>.

13. Attached as Exhibit 12 is a true and correct copy of the article Kurtis Lee & Anita Chabria, *As the coronavirus pandemic grows, gun sales are surging in many states, L.A. Times*, Mar. 16, 2020, <https://lat.ms/39kNVNt>.

14. Attached as Exhibit 13 is a true and correct copy of the article Richard A. Oppel, Jr., *For Some Buyers With Virus Fears, the Priority Isn't Toilet Paper. It's Guns.*, NY Times, Mar. 16, 2020, <https://nyti.ms/39gfRCC>.

15. Attached as Exhibit 14 is a true and correct copy of the article Chris Cillizza, *How coronavirus has sent gun and ammo sales through the roof, CNN*, Mar. 25, 2020, <https://cnn.it/2WID0dM>.

16. Attached as Exhibit 15 is a true and correct copy of the March 22, 2020 opinion of the Pennsylvania Supreme Court in *Civil Rights Defense Firm, P.C. v. Wolf*, No. 63 MM 2020.

17. Attached as Exhibit 16 is a true and correct copy of the study MARATHON STRATEGIES, LIQUOR STORE DENSITY BY STATE (2014).

18. Attached as Exhibit 17 is a true and correct listing of all federally licensed firearm dealers located in New Jersey, which was downloaded from the Bureau of Alcohol, Tobacco, Firearms and Explosives' website at <https://bit.ly/3dyDSaO>, and sorted in Microsoft Excel to display the name of the licensee, the type of license possessed, and the city where it is located.

19. Attached as Exhibit 18 is a true and correct copy of Executive Order 2020-10, Executive order in Response to COVID-19 at ¶ (12)(n) (Illinois Mar. 20, 2020).

20. Attached as Exhibit 19 is a true and correct copy of Executive Order No. 7H, Protection of Public Health and Safety During COVID-19 Pandemic and Response (Connecticut Mar. 20, 2020).

21. Attached as Exhibit 20 is a true and correct copy of Connecticut Department of Economic & Community Devel., Business Exemptions for Coronavirus – Executive Order 7H (Mar. 23, 2020).

22. Attached as Exhibit 21 is a true and correct copy of Ohio Department of Health, Director's Stay at Home Order (Mar. 22, 2020).

23. Attached as Exhibit 22 is a true and correct copy of Office of the Governor of Louisiana, COVID-19 Statewide Stay at Home Order: Additional Illustrative Examples of Critical Infrastructure Businesses Consistent with Cyber and Infrastructure Security Agency Guidance (Mar. 22, 2020).

24. Attached as Exhibit 23 is a true and correct copy of Executive Order No. 2020-12, Prohibiting the Closure of Essential Services (Ariz. Mar. 23, 2020).

25. Attached as Exhibit 24 is a true and correct copy of State of Wisconsin Department of Health and Human Servs., Emergency Order #12: Safer at Home Order (Mar. 24, 2020).

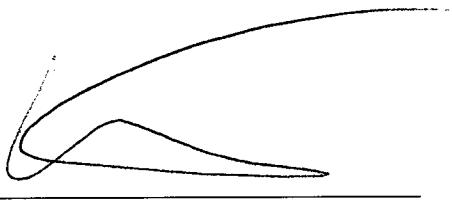
26. Attached as Exhibit 25 is a true and correct copy of the web page Bureau of Alcohol, Tobacco, Firearms and Explosives, *Permanent Brady State Lists*, <https://bit.ly/33SfX1N>.

27. Attached as Exhibit 26 is a true and correct copy of Governor Tom Wolf, Industry Operation Guidance (Mar. 24, 2020).

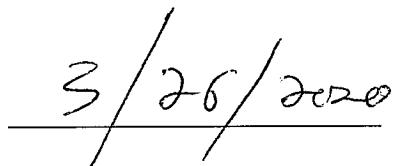
28. Attached as Exhibit 27 is a true and correct copy of the article Stefanie Dazio & Don Thompson, *LA sheriff clashes with county lawyer over closing gun shops*, FOX 26 NEWS, Mar. 24, 2020, <https://bit.ly/3dwjMxZ>.

I declare under penalty of perjury that the foregoing is true and correct.

Executed within the United States.



Daniel L. Schmutter



3/26/2020

Date